

REMARKS

In the outstanding Official Action, the Examiner:

(1) rejected claims 1, 5-10, 13-17 and 20-32 under 35 U.S.C. 103(a) as being unpatentable over Cannon et al. (US 6,678,824) ("Cannon") in view of Pellegrino et al. (US 6,149,441) ("Pellegrino");

(2) rejected claims 2-4, 11-12 and 18 under 35 U.S.C. 103(a) as being unpatentable over Cannon in view of Pellegrino and further in view of DeLaHueraga (U.S. Patent Application Publication 2002/0116509 A1) ("DeLaHueraga"); and

(3) rejected claim 19 under 35 U.S.C. 103(a) as being unpatentable over Cannon in view of Pellegrino and further in view of Lee et al. (US 6,064,856) ("Lee").

In response to Item (1) above, Applicant has amended claims 1, 6-7, 17-18, 24-28 and 32 and canceled claim 16 in order to more clearly distinguish the present invention from the prior art. Applicant does not believe that claims 1, 5-10, 13-17 and 20-32, as amended, are rendered obvious by Cannon in view of Pellegrino for the reasons stated below.

Amended claim 1 comprises a system for delivering an educational program to a participant at a remote site and for monitoring the participant's use of the educational program, the system comprising prompting means for prompting the participant for a response during delivery of the educational program, wherein the response does not require knowledge of the subject matter of the educational program, the software being configured to (i) terminate the educational program if no response or an inadequate response is received and (ii) record the occurrence of an adequate response in a verification storage means if an adequate response is received and then proceed on with the

educational program, awarding credit to the participant if the participant adequately responds to all of the prompts, such that the educational program is viewed in its entirety.

Amended claim 32 discloses a method for delivering a program to a participant at a remote site and for monitoring the participant's use of the educational program, the method comprising providing a server and a client located at the remote site and connected to the server over a network, wherein the server delivers the educational program to the participant at the remote site and the client receives the educational program from the server and displays it to the participant, prompting the participant for a response during the delivery of the educational program, wherein the software (i) terminates the educational program if no response or an inadequate response is received and (ii) records the occurrence of an adequate response in a verification storage means if an adequate response is received and then proceeds on with the educational program. The method further comprises awarding program credit to the participant if the participant adequately responds to all of the prompts, such that the educational program is viewed in its entirety.

Applicant believes that Cannon discloses a program, located on a user's computer, for monitoring the amount of time a particular user has spent using a particular program and limiting the time that particular user can use that program if that particular program has been pre-configured to be non-beneficial (e.g., non-educational).

Cannon does not disclose a system for delivering an educational program to a participant at a remote site and for monitoring the participant's use of the educational program when the participant is located at the remote site. Furthermore,

Cannon does not disclose prompting means for prompting the participant for a response during delivery of the educational program wherein the software is configured to terminate the educational program if no response or an inadequate response is received and record the occurrence of adequate responses in a verification storage means when an adequate response is received and then proceed on with the educational program, wherein credit is awarded to the participant if the participant adequately responds to all of the prompts, such that the educational program is viewed in its entirety. This is an important feature of the present invention because it enables the participant to receive credit for viewing an educational program without having to travel to a particular destination to physically attend an educational program. It is also important to the administrator of the educational program because it allows for monitoring of the educational program to verify that the participant has actively worked his or her way through the entire educational program before credit is awarded to the participant.

Applicant believes that Pellegrino discloses a system which allows a teacher to create a lesson, which may contain links to websites, sound clips or videos, and place the lesson on a server so that a student user can "log on" using a user name and password to view the lesson.

As indicated by the Examiner, the system disclosed in Pellegrino is stored on a server, however Applicant does not believe that the present invention is rendered obvious by Pellegrino, even when combined with Cannon.

Pellegrino does not disclose a system for delivering an educational program to a participant at a remote site and for

monitoring the participant's use of the educational program even when the participant is located at a remote site.

More particularly, Pellegrino does not disclose prompting means for prompting the participant to provide a response during the delivery of the educational program. Pellegrino also does not disclose software that is configured to (i) terminate the educational program if no response or an inadequate response is received; and (ii) record the occurrence of an adequate response in a verification storage means if an adequate response is received and then proceed on with the educational program. Furthermore, Pellegrino does not provide a system wherein credit is awarded to the participant if the participant adequately responds to all of the prompts, such that the educational program is viewed in its entirety. Pellegrino is merely a system for creating and delivering a customized lesson to a student, wherein the student is most likely tested on the subject matter of the lesson at a later date. In contrast, the present invention is a system for delivering an educational program to a participant at a remote site and for monitoring the participant's use to see if he or she actively works through the entire program rather than requiring the participant to pass specific examinations based on the subject matter of the educational program before they can earn credit.

In response to Item (2) above, Applicant respectfully disagrees with the Examiner's rejection under 35 U.S.C. 103(a) that it would be obvious to modify the prompting means to prompt for a response during the educational program based on Cannon in view of Pellegrino and further in view of DeLaHuergera.

One of the tenets of patent law that must be adhered to in order to apply 35 U.S.C. 103, is that the references must be

considered as a whole and must suggest the desirability and thus the obviousness of making the combination. See *Hodosh v. Block Drug Co., Inc.*, 786 F.2d 1136, 1143 n.5, 229 USPQ 182, 187 n.5 (Fed. Cir. 1986). Furthermore, "in order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned". *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992).

The present invention relates to an educational program in general and more particularly to a system for delivering an educational program to a participant at a remote site and for monitoring the participant's use of the educational program to verify that the participant actively works through the entire program.

In contrast, the invention of DeLaHuerger relates to a computer system for gathering and storing information and distributing that information across a plurality of electronic system devices. More particularly, the invention relates to an information-collecting device which is equipped to remotely, automatically and electronically collect a large portion of the information that a physician may be required to provide during a patient visit and then work with other "smart" devices to collect information describing facility events (e.g., the amount of fluid dispensed from an IV over a certain period of time).

The present invention is meant to overcome the problem of requiring a participant to physically attend a program at a certain location in order to receive credit for an educational program. The Applicant of the present invention has provided a system that allows a participant to view an educational program

and receive credit without having to physically attend a program at a certain location. More importantly, the Applicant has provided a system wherein an administrator of the program can monitor the participant and verify that the participant has actively worked through the entire program before awarding credit for "attending" the program.

In contrast, the invention of DeLaHuergera is meant to reduce the amount of manual data entry and to simplify information management.

Not only are these two significantly different fields of art but DeLaHuergera is not reasonably pertinent to the particular problem with which the Applicant was concerned with when he invented the present invention. Therefore, it would not have been obvious to prompt the participant for a response while the educational program is being delivered because it would not have been obvious to combine these references.

In response to Item (3) above, Applicant notes that dependent claim 19, which depends from claim 1, is believed to be in condition of allowance for at least the above-mentioned reasons.

Applicant believes that claims 1-15 and 17-32 are now in condition for allowance and allowance thereof is respectfully requested.

In the event that any additional fees may be required in this matter, please charge the same to Deposit Account No. 16-0221.

Thank you.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Margaret M. Slezak". The signature is fluid and cursive, with the first name "Margaret" being more legible than the last name "Slezak".

Margaret M. Slezak, Esq.

Registration No. 55,625

Pandiscio & Pandiscio, P.C.

470 Totten Pond Road

Waltham, MA 02451-1914

Tel. No.: (781) 290-0060

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